



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER  
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

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TO: Members of the City of Fort Pierce Planning Board

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

SUBJECT: Proposed Zoning Text Amendment  
Dwelling Rentals  
Multifamily Districts with Condominium or Homeowner Associations

DATE: February 2, 2016

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### STAFF REPORT

#### Requested Action:

Advancement of a recommendation to the City Commission regarding proposed amendments to Chapter 22-Zoning to provide exemptions to Conditional Use approval requirements for entire condominium developments, controlled access, and deed restricted communities located within multifamily zoning districts (R-4, R-4A, & R-5).

#### Staff Analysis

#### Local Regulation

The City of Fort Pierce Commission in 2001 and 2002 adopted Ordinance K-114 and K-148, respectively, based upon citizen concerns over the rental of single-family homes as transient lodging on a short term basis. The action further sought to provide clarity and parameters for dwelling units, while allowing the capacity for property owners of various zoning districts to pursue Conditional Use approval to rent dwelling units for less than six (6) months. The amendments, collectively, required application and approval of a Conditional Use to rent dwelling units for less than six (6) months in the E-3, R-1, R-2, R-3, R-4, R-4A, and R-5 zoning districts.

In reviewing meeting minutes from both the Planning Board and City Commission, it is suggested that the intent of the regulations was not to require Conditional Use for short term rental of condominium units or multi-family structures, but specifically limit the short term rental of single-family homes. The regulations adopted, and further amended by the enactment of South Beach Overlay and "Use Table", did not provide exceptions or exclusions for condominiums, or multifamily properties. In many instances, vacation rentals exist within condominium developments which feature internal restrictions, management, and enforcement to minimize conflicts between transient lodging and non-transient residences. The implementation of appropriate guidelines for short-term rentals, in controlled segments of multifamily districts, limit and in many instances eliminate, complaints garnered by the City related to the use.

## Proposed Amendment

Staff presented analysis to the City Commission at their December 14<sup>th</sup>, 2015 Conference Agenda meeting, and garnered direction for the proposed amendments before the Planning Board. The proposed amendments seek to account for special conditions and unique circumstances of collectively controlled communities. The amendment proposes a complete exemption, from Conditional Use approval, for condominiums and controlled communities, within multifamily zoning districts, which maintain collective regulations, safeguards, and internal enforcement of vacation rentals. The minimum standards to receive the exemption encompass the following provisions: controlled access, gated, or deed restricted community with a homeowner's or condominium association which expressly regulates or manages dwelling rentals.

Eligible condominium or homeowner associations which expressly regulate and manage dwelling rentals would be required to provide legal documentation of established policies and provisions, along with association liaisons for filing with the City. Each owner or agent of individual dwelling rentals within a comprehensively approved community would provide written consent by the association, and obtain applicable state, county, and city licenses to operate and report necessary taxes.

A map displaying the eligible R-4, R-4A, & R-5 multifamily district, and established condominium associations within, is presented in the agenda packet in order to provide a snapshot of the eligible communities, if the associations choose to opt-in. An individual association has the capacity to restrict dwelling rentals if desired.

Prospective dwelling rentals located in a multifamily district, but not within a controlled access, gated, or deed restricted community with a homeowner's or condominium association will be requirement to apply for an individual conditional use application to seek authorization for the subject location(s). Any such proposal will be reviewed for compliance with the City's Land Development Code, Comprehensive Plan, potential impacts to the surrounding neighborhood, and will be guided to incorporate within their proposal: 24-hour management, parking restrictions, and the provision of guidelines to ensure compliance with City Code.

The Planning Department is seeking the coordination of the St. Lucie County Realtors Association, Chamber of Commerce, Tourist Development Council, and other pertinent community organizations to garner input regarding the proposed changes to the City's regulation of short term rentals. The garnered input has been positive towards the proposed amendments.

## Recommendation

The proposed amendment to Chapter 22 provides exemption from Conditional Use approval and minimum standards for controlled access, gated, or deed restricted communities with a homeowner's or condominium association to permit dwelling rentals. The establishment of such limited commercial uses with management standards adopted and implemented by condominium associations promotes compatibility with the encompassing neighborhood and consistency with the City's Land Development Code and Comprehensive Plan restriction therefore; Staff recommends the Planning Board forward a recommendation to approve the amendment to complete the following:

- 1) Incorporate provisions into the Land Development Code which provide exemptions for an entire controlled access, gated, or deed restricted community with a homeowner's or condominium association, within a multifamily district (R-4, R-4A, & R-5), which expressly regulates or manages dwelling rentals.
- 2) Amend the Use Table codified to accurately reflect the classifications in place prior to the 2011 adoption of F.S.S. 509.032, which effectively limits the regulatory authority of municipalities with

regards to the subject use, providing acceptance of some longstanding restrictions in place, or adopted prior:

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP
<b>Overnight Accommodations</b>																
-Bed & Breakfast	-	-	-	-	-	-	C	C	C	-	P	P	P	P	-	-
-Dwelling Rental	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	-
-Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C
-Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-
-Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-